



NOTICE OF PUBLIC HEARINGS

APRIL 23, 2018

Proposed Designation of Administrative Decisions as Precedent

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs' (DCA) Bureau of Automotive Repair (BAR) will conduct public hearings on **Monday, April 23, 2018**, to consider and recommend the designation, as precedent, of the two administrative decisions specified below.

The hearings are scheduled from 11:00 a.m. to 11:45 a.m., and 11:45 a.m. to 12:30 p.m., at the Bureau of Automotive Repair, Hearing Room, 10949 North Mather Boulevard, Rancho Cordova, CA 95670.

Public comment will be taken at the hearings. Written comment, including those sent by mail, facsimile, or e-mail, must be received by the Bureau at its office no later than 5:00 p.m. on April 23, 2018.

Under Government Code section 11425.60, subdivision (b), an agency decision or a part of an agency decision is appropriate for designation as a precedent decision if it contains "a significant legal or policy determination of general application that is likely to recur." The following administrative decisions are under consideration for designation, in part, as precedent:

Hearing 1: 11:00 a.m. to 11:45 a.m.

In the Matter of the Citation Against:
Mohammad Faraji, Smog Check Inspector,
Smog Check Repair Technician (Respondent)
Bureau of Automotive Repair Case No. M2015-1666
Office of Administrative Hearings Case No. 2017010575

BAR is seeking designation of paragraphs 3-11, in the Factual Findings section of this Decision, as precedent under Government Code section 11425.60, subdivision (b), because these paragraphs include significant legal determinations of general application that are likely to recur. (See Attachment A.)

Hearing 2: 11:45 a.m. to 12:30 p.m.

In the Matter of the Accusation Against:
Darryl Bone Contracting, Inc., dba Tony's Test and Repair,
Darryl Bone, President/Secretary/Treasurer
Adrian Miguel Martinez, Smog Check Repair Technician, Smog Check Inspector, and
Adrian Miguel Martinez, Owner, dba Tony's Smog Check (Respondents)
Bureau of Automotive Repair Case No. 79/16-152
Office of Administrative Hearings Case No. 2016120680

BAR is seeking designation of paragraphs 3-11, in the Legal Conclusions section of this Decision as precedent under Government Code section 11425.60, subdivision (b), because these paragraphs include significant legal determinations of general application that are likely to recur. (See Attachment B.)

The hearings are open to the public and are being held in a barrier-free facility in accordance with the Americans with Disabilities Act. Any person with a disability who needs disability-related accommodations or modifications to participate in the hearings shall make a request for such accommodation or modification not less than five (5) business days before the hearing date. Please contact Zachary Richardson by phone at 916.403.8615 or by email at Zachary.Richardson@dca.ca.gov to make such a request.